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FM AMEMBASSY ACCRA  
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INFO RUEHZK/ECOWAS COLLECTIVE  
RUEHBS/AMEMBASSY BRUSSELS 0168  
RUEHLO/AMEMBASSY LONDON 0220  
RHMFISS/CDR USEUCOM VAIHINGEN GE  
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C O N F I D E N T I A L SECTION 01 OF 02 ACCRA 001205

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E.O. 12958: DECL: 05/23/2017

TAGS: [GH](#) [PGOV](#) [PHUM](#)

SUBJECT: GHANA'S EXPATRIATE VOTING BILL: THE CONTROVERSY  
CONTINUES

Classified By: PolChief Scott Ticknor for reasons 1.4 (d) and (e)

[¶1.](#) (C) Summary: In a May 23 meeting with PolChief, Electoral Commission (EC) Deputy Chairman Kwadwo Sarfo-Kantanka said the Electoral Commission is preparing for eventual implementation of the controversial Representation of the People Amendment (ROPA) bill, which gives Ghanaian citizens living abroad the right to vote. While the EC has not yet decided whether the bill will be implemented for the 2008 election, there is mounting pressure from the NPP to do so. The NDC strongly opposes implementation for the next election and recently stormed out of an EC meeting to discuss the issue. Simmering for the past year, this issue is once again in the local political and media spotlight and has the potential to spur a political confrontation in the run-up to [¶2008](#). End summary.

A Study Tour  
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[¶2.](#) (U) The Electoral Commission (EC) has been studying how similar bills allowing expatriate citizens to vote have been implemented in other countries (especially Mexico and Botswana) and plans a study tour to the Philippines, Mali, Netherlands, South Africa and Botswana as part of this research, according to Sarfo-Kantanka. He added that so far the research suggests that implementing expatriate voting has been very costly, with very little voter participation.  
A Constitutional Instrument  
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[¶3.](#) (SBU) The EC Deputy Chairman told PolChief the very short ROPA bill is a "skeleton law," which requires a constitutional instrument (CI) for implementation. According to Sarfo-Kantanka, the EC is required by law to implement ROPA, although the time-frame for implementation is left to the discretion of the EC. The EC is working on a CI which it hopes to submit to parliament in July or August 2007. If parliament passes the CI and the money is available, the EC "would have no reason not to implement the law," he said. He estimated implementation would cost around \$3 million, all of it by law coming from the GOG Consolidated Fund (which includes donor support). Sarfo-Kantanka thought this was much more expensive than President Kufuor and the Castle realized.

Preparing Overseas Missions  
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[¶4.](#) (SBU) EC officials plan to travel soon to explore establishing at least one polling station at each of Ghana's 48 overseas Missions (including honorary consuls), he said.

The EC plans to begin a registration exercise for expatriate Ghanaians in the first quarter of 2008 in any location with at least 500 Ghanaian citizens. The EC will probably select the second-highest ranking career diplomat at each post to administer the election, thereby helping to insulate voting from partisan influence, he said. Once ROPA is implemented, he does not expect high overseas voter turnout because of the distances many Ghanaians abroad will have to travel to the polling booth and because he thought many illegal Ghanaians would not want to reveal themselves to authorities.

Some in NPP Pushing  
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15. (SBU) In the past month, three expatriate Ghanaians have filed lawsuits trying to force the EC to implement the law. (Sarfo-Kantanka dismissed these suits as having no basis, since the law does not set a date for implementation and the EC is making good faith efforts to move forward with eventual expatriate voting.) Foreign Minister (and NPP presidential aspirant) Nana Akufo-Addo recently publicly urged implementation of the law. Attorney General Joe Ghartey recently concurred that the EC is legally required to implement a law such as ROPA as soon as possible. There are others in the NPP who want to implement the law for the 2008 election; however, some in the NPP do not. NPP National Organizer Lord Comney told PolChief he did not think Ghana was politically ready for implementing this law in the next election. Majority Leader and Minister of Parliament (and presidential candidate) Felix Owusu-Adjepong has recently stated that the law should not be implemented in 2008. In a May 23 meeting with the Ghanaian community in Belgium, President Kufuor reportedly also said ROPA may not be implemented for the 2008 election, since Ghana lacks a

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national identity card or biometric passports, which would help raise confidence in the integrity of overseas voting.

NDC Remains Opposed  
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16. (SBU) The main opposition National Democratic Congress (NDC) party remains strongly opposed to implementation of the ROPA law for the 2008 election. In discussions with poloffs, NDC leaders have said that they are not opposed to the principle of expatriate voting but suspect that the NPP wants to implement it in a way which will rig votes in the 2008 election. The EC called its first Inter-Party Advisory Committee (IPAC) meeting in three years on May 17 primarily to discuss implementation of the ROPA bill. At the meeting, EC Chairman Kwadwo Afari-Gyan acknowledged that 100 percent registration and polling of Ghanaians abroad was impossible, proposing instead to limit polling to ECOWAS countries, other countries where Ghana had diplomatic representation, and locations where there were at least 500 Ghanaians. NDC attendees questioned the constitutionality of the bill and the even-handedness of the proposed polling officers. After an hour of verbal jousting, the NDC members (including the party Chairman) stormed out of the meeting.

17. (SBU) Sarfo-Kantanka later told PolChief that NDC leaders reassured him they were not opposed to the bill in principle but felt strongly that implementation should wait until after the 2008 election. He mused on the irony that the NDC supported expatriate voting when the issue came up in 1998 (when they were in power), while the NPP at the time opposed it. NDC leaders told him that the party felt it had to walk out of the IPAC meeting to "save face" because it had walked out of the parliamentary session when the ROPA bill was passed.

Comment  
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18. (C) The ROPA bill remains a hot button issue in Ghanaian

politics. Discussion of ROPA appeared to die down for many months, in the face of opposition party objections and an opposition demonstration. However, the recent lawsuits and statement from the Foreign Minister, as well as the recent hastily called IPAC meeting and heavy debate in the media have returned the issue to center stage. The EC is obviously planning for eventual implementation of the bill and officials in both major parties are planning trips to the U.S. in the coming months. Some in the NPP are no doubt reviving ROPA to show their financial and political backers abroad that, as the NPP heads into its December party convention, the GOG is trying to deliver on this campaign promise. The NDC is ever-suspicious of the NPP and further progress toward implementing ROPA in 2008 would move Ghana closer to a political confrontation. However, the NPP realizes this and, while the stakes are high, many in the party believe they can win without expatriate votes. Kufuor has been a strong proponent of ROPA but his remarks in Belgium last week suggest that the NPP may not push this to a show-down.

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